



STATE OF WEST VIRGINIA  
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# Press Release

April 24, 2003

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**ATTORNEY GENERAL DARRELL V. MCGRAW, JR. SETTLES  
ANTITRUST CHARGES AGAINST BRISTOL-MYERS SQUIBB COMPANY  
MAKER OF TAXOL, A CANCER FIGHTING DRUG**

Attorney General Darrell V. McGraw, Jr. announced a final resolution with Bristol-Myers Squibb Company that will settle an antitrust lawsuit involving the cancer-fighting drug Taxol. Bristol-Myers Squibb has agreed to pay West Virginia, the other 49 states and U.S. territories a total of \$55 million to settle the charges.

Bristol-Myers Squibb also has agreed to strong injunctive relief for ten years, which prevents Bristol from engaging in anti-competitive conduct in the future. Moreover, Bristol agreed to provide free quantities of Taxol to DEA-approved health care facilities, provided the recipients meet certain eligibility requirements.

A major component of the complaint was the allegation that the manufacturer unlawfully blocked the entry of less expensive generic drugs into the marketplace. "With this settlement, the actions taken by Bristol to block the entry of competitive generic drugs will not be repeated in the future—by Bristol, or any other drug manufacturer," said Attorney General McGraw. "This settlement will compensate consumers, as well as the State of West Virginia." West Virginia's share of the settlement is expected to be at least \$250,000.

The settlement was filed today with U.S. Federal District Court Judge Emmet G. Sullivan in the District of Columbia and requires approval from the court to become effective. If approved, the states will administer a claims process for consumers who purchased Taxol or its generic equivalent between January 1, 1999 and February 28, 2003. The Attorneys General have set aside approximately \$12 million for a nationwide consumer distribution to compensate consumers who may have paid higher prices for Taxol.

Under the settlement announced by Attorney General McGraw, West Virginia will also receive compensation for damages incurred by certain governmental entities that purchased Taxol or its generic equivalent. While the ultimate allocation among the litigating states has not yet been determined, more than \$37 million will be set aside to be divided for this purpose.

Consumers wanting further information can call Attorney General McGraw's Antitrust Division at 800-368-8808 or 304-558-8986.

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